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E-FILED - 2/24/11

12 Attorneys for the United States

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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UNITED STATES OF AMERICA,) No. CR 09-00425-RMW
Plaintiff,) STIPULATION AND []
v.) ORDER CONTINUING SENTENCING
GABRIEL MEDINA-MORALES,) HEARING FROM FEBRUARY 28, 2011
Defendant.) TO MARCH 28, 2011

The Parties, Gabriel Medina-Morales and the United States, acting through respective
counsel, hereby stipulate, subject to the Court's approval, that the sentencing hearing currently
set for February 28, 2011 at 9:00 a.m. be vacated, and that the hearing be re-set for March 28,
2011 at 9:00 a.m.

On March 29, 2010, the Defendant pleaded guilty to one count of illegal re-entry, in
violation of Title 8 United States Code, Section 1326. Several sentencing hearings have been set
and vacated since that date. The next sentencing hearing is set for February 28, 2011.

On February 8, 2011 and February 17, 2011, the Defendant filed motions requesting a
speedy trial, dismissal of the indictment, and dismissal of his current attorney of record, Jerry
Fong. The Parties are requesting continuance of the sentencing hearing in order to obtain a

1 transcript of the plea colloquy and to further investigate and respond to the substantive issues in
2 the Defendant's motions. At the next hearing date, the Parties will request a sentencing date, if
3 necessary, after the Court has decided on the Defendant's motions.

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6 DATED: February 23, 2011

MELINDA HAAG
United States Attorney

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/s/
SUZANNE DeBERRY
Assistant United States Attorney

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/s/
JERRY Y. FONG
Attorney for Defendant

1 **[XXXXXXX] ORDER**

2 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY
3 ORDERS that the hearing in this matter previously set for February 28, 2011 at 9:00a.m. is
4 vacated, and the matter is continued to March 28, 2011 at 9:00a.m. *The Court first received
5 this stipulation and proposed order after it issued its order dated February 23, 2011 [Docket #42].

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10 IT IS SO ORDERED.

11 DATED: 2/24/11

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RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE

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